



**The Administrative Manual for Special
Education Services (AMSES)**

(formerly known as the Administrative Manual: Programs for
Exceptional Children – 6/20/96 revision)

Approval by the Delaware State Board of Education

***As of May 18, 2000
REVISED August 17, 2000 &
December 15, 2004***

***[Most current document can be found on the DOE Website
(<http://www.doe.state.de.us>)]***

PREFACE

ADMINISTRATIVE MANUAL FOR SPECIAL EDUCATION SERVICES

The *Administrative Manual for Special Education Services* addresses the State and federal requirements for the administration and delivery of services and supports for children with disabilities under the age of 21. This Manual is intended to provide:

- a single source of regulatory requirements which apply to programs for children with disabilities;
- a cross reference of federal and State requirements;
- a means for the improvement of quality and scope of programs for children with disabilities; and
- a basis for monitoring to determine compliance of programs for children with disabilities with applicable State and federal statutes and regulations.

The Manual is organized to follow the flow of processes related to the identification, evaluation, and placement of children. Pages utilize a three-column format: the left column contains index reference and key words; next column contains the federal IDEA – Part B Regulations (34 CFR Part 300) published on March 12, 1999; and the right column contains the regulations of the Department of Education (DOE 925). The right column also contains DOE notes and applicable brief sections of the *Delaware Code*.

Following the body of the Manual, the reader will find several Appendices, as follows:

- A. Sample Forms
- B. Interagency Agreements Summary Listings
- C. Other Applicable DOE Regulations of the State Board of Education
- D. Identification Procedures for Determination of a Learning Disability – Tables 1 & 2
- E. Sections of *Delaware Code*
- F. Definition of Terms

Individuals or groups who may need additional information or interpretation of the content to the Administrative Manual should contact Dr. Martha A. Brooks. The document is available at the Delaware Department of Education's website (<http://www.doe.state.de.us>), (then click on the link to Exceptional Children), and in every public school in the State.

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APPENDICES

ADMINISTRATIVE MANUAL FOR SPECIAL EDUCATION SERVICES
As of May 18, 2000 (Effective July 1, 2000) revised 8/17/00
FAPE 300. SECTION OF FEDERAL REGS/MANUAL

IDEA-Part B Regulations of March 12, 1999

Regulations of the Dept. of Ed. 925 – Children with Disabilities

| | | |
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| <p>5.e. Multiple sources of information</p> <p>5.f. Documentation</p> <p>5.g. If eligible and in need, IEP must be developed</p> <p>5.h. Speech/language impaired child</p> | <p>(a) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.7, and the educational needs of the child, each public agency shall—</p> <p>(1) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and</p> <p>(2) Ensure that information obtained from all of these sources is documented and carefully considered.</p> <p>(b) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§300.340-300.350.</p> <p>(Authority: 20 U.S.C. 1412(a)(6), 1414(b)(4))</p> | <p><u>DOE Note:</u> See C.5. b. on Evaluation Report, and Appendix A for sample forms.</p> |
| <p>6. Additional procedures for LD</p> <p>6.a. Team members</p> | <p style="text-align: center;">Additional Procedures For Evaluating Children With Specific Learning Disabilities</p> <p>§300.540 Additional team members.</p> <p>The determination of whether a child suspected of having a specific learning disability is a child with a disability as defined in §300.7, must be made by the child's parents and a team of qualified professionals which must include—</p> <p>(a)(1) The child's regular teacher; or</p> | <p>3.3 Procedures for Determining Eligibility and Placement</p> <p>3.3.1. Children who have an articulation impairment as their only presenting disability may not need a complete battery of assessments. However, a qualified speech-language pathologist shall evaluate each child who has a speech or language impairment using procedures that are appropriate for the diagnosis and appraisal of speech and language impairments.</p> |

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| <p>6.b. Criteria for determining LD</p> | <p>(2) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or 3) For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and</p> <p>(b) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.</p> <p>(Authority: Sec. 5(b), Pub. L. 94-142)</p> <p>§300.541 Criteria for determining the existence of a specific learning disability.</p> <p>(a) A team may determine that a child has a specific learning disability if—</p> <p>(1) The child does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in paragraph (a)(2) of this section, if provided with learning experiences appropriate for the child's age and ability levels; and</p> <p>(2) The team finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:</p> <ul style="list-style-type: none"> (i) Oral expression. (ii) Listening comprehension. (iii) Written expression. (iv) Basic reading skill. (v) Reading comprehension. (vi) Mathematics calculation. (vii) Mathematics reasoning. <p>(b) The team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of—</p> <ul style="list-style-type: none"> (1) A visual, hearing, or motor impairment; | |
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| <p>8. Emotional Disturbance</p> | <p>(4) Emotional disturbance is defined as follows:</p> <p>(i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:</p> | <p>4.5.4. <u>Age of Eligibility:</u> The age of eligibility for children identified under this definition shall be from birth through 20 years, inclusive.</p> <p>4.6. <u>Eligibility Criteria for Emotional Disturbance:</u> The IEP team shall consider documentation of the manifestation of the clusters or patterns of behavior associated with emotional disturbance and documentation from multiple assessment procedures. Such procedures shall include, but not be limited to, an evaluation by either a licensed or certified school psychologist, or a licensed psychiatrist, classroom observations by teacher(s) and at least one other member of the IEP team, a review of records, standardized rating scales, and child interviews.</p> <p>4.6.1. The documentation shall show that the identified behaviors have existed over a long period of time and to a marked degree, and</p> <p>4.6.2. Adversely affect educational performance. This means that the child's emotions and behaviors directly interfere with educational performance. It also means that such interference cannot primarily be explained by intellectual, sensory, cultural, or health factors, or by substance abuse; and</p> <p>4.6.2.1. Are situationally inappropriate for the child's age. This refers to recurrent behaviors that clearly deviate from behaviors normally expected of other children of similar age under similar circumstances. That is, the child's characteristic behaviors are sufficiently distinct from those of his or her peer groups; or</p> |
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| <p>11. Mental Disability (00.7(c)(6))</p> | <p>(c) Mental retardation means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.</p> | <p>4.8.4 The age of eligibility for students identified under this definition shall be from the fourth birthday through 20 years inclusive.</p> <p>4.9 <u>Mental Disability</u></p> <p>4.9.1. Eligibility Criteria for Mental Disability: In order for the IEP team to determine eligibility for special education services under the Mental Disability category, the following is required:</p> <p>4.9.1.1. A level of intellectual functioning, as indicated below:</p> <p>4.9.1.1.1. Educable Mental Disability: I.Q. 50-70, +/- 5 points;</p> <p>4.9.1.1.2. Trainable Mental Disability: I.Q. 35-50, +/- 5 points;</p> <p>4.9.1.1.3. Severe Mental Disability: I.Q. below 35; and</p> <p>4.9.1.2. Significant limitations in two or more areas of adaptive behavior, including communication, self-care, home/school living, social/ interpersonal, community use, self-direction/coping, health and safety, functional academics, leisure/play, and work.</p> <p>4.9.2. Assessment for both intellectual functioning and adaptive behavior shall be conducted by a licensed psychologist or certified school psychologist.</p> |
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| | | <p>4.11.2.6. The symptoms do not occur exclusively during the course of a pervasive developmental disorder, schizophrenia, or other psychotic disorder, and are not better accounted for by another mental disorder (e.g., mood disorder, anxiety disorder, dissociative disorder, or personality disorder).</p> <p>4.11.3. Determination by the IEP team of eligibility for services shall be based upon data obtained from:</p> <p>4.11.3.1. Written documentation from the formative intervention process used with the student (see section 2.3, p. 11 "Referral to Instructional Support Team" above). The documentation shall include a clear statement of the student's presenting problem(s); summary of diagnostic data collected, and the sources of that data; and summary of interventions implemented to resolve the presenting problem(s) and the effects of the interventions; and</p> <p>4.11.3.2. Medical records documenting the health impairment or, in the case of students with ADD/ADHD, medical records documenting that a child has such health impairment, and determination by a school team of qualified evaluators, or, in the case of re-evaluation, the IEP team, including the school psychologist, that the child exhibits the criteria listed in number 4.11.2, above.</p> |
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| <p>14. Speech or Language Impairment</p> | <p>(10) Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.</p> | <p>4.11.4. For purposes of initial eligibility or continued eligibility determination, the school psychologist and the school nurse shall be members of the IEP team.</p> <p>4.11.5. Age of Eligibility: The age of eligibility for children with Other Health Impairments shall be from the third birthday through 20 years, inclusive.</p> <p><u>DOE Note:</u> <i>For purposes of funding, children classified under the Other Health Impaired category will be counted as Physically Impaired in the Unit Count.</i></p> <p>4.12. <u>Eligibility Criteria for Speech and/or Language Impairment:</u> In determining eligibility under the Speech and/or Language classification, the IEP team shall consider the results of an evaluation conducted by a licensed Speech-Language Pathologist which identifies one or more of the following conditions: an articulation disorder, a language disorder, dysfluent speech; and/or a voice disorder.</p> <p>4.12.1. The age of eligibility for children identified under this definition shall be from the fifth birthday through 20 years, inclusive, except where speech and/or language therapy is provided as a related service. In the latter instance, the age of eligibility shall correspond with that of the identified primary disability condition.</p> |
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| | <p>present educational placement.</p> <p>6.8.2. Services provided under these conditions shall be considered a change in placement on an emergency basis and shall require IEP team documentation that such placement is both necessary and temporary and is consistent with requirements for the provision of a free appropriate public education.</p> <p>6.8.3. In instances of parental objection to such home instruction, due process provisions apply.</p> <p>6.8.4. To be eligible for supportive instruction and related services, the following criteria shall be met:</p> <p>6.8.4.1. The child shall be identified as disabled and in need of special education and/or related services and enrolled in the school district or other public educational program; and</p> <p>6.8.4.2. If absence is due to medical condition, be documented by a physician's statement where absence will be for two weeks or longer; or</p> <p>6.8.4.3. If absence is due to severe adjustment problem, be documented by an IEP team, that includes a licensed or certified school psychologist or psychiatrist, and that such placement is both necessary and temporary; or if for transitional in-school program, be documented by the IEP team that it is necessary for an orderly return to the educational program.</p> <p>6.8.5. IEPs specifying supportive instruction services shall be reviewed at intervals determined by the IEP team, sufficient to ensure appropriateness of instruction and continued placement.</p> |
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APPENDIX D**Identification Procedures for Determination of a Learning Disability**

When identifying students with learning disabilities, inquiry shall be made by the MDT into each of the following major areas:

1. Inability to succeed in a regular education placement as documented by significantly below grade level performance in those subjects for which regular education standards exist which define promotion from grade to grade.
2. Intellectual functioning level as determined by an evaluation specialist specifically trained in the assessment and interpretation of intelligence tests, such as a school psychologist. The measurement of intellectual functioning shall include an individually administered test of intelligence which is highly reliable and valid for the student being tested. Group measures, unjustified prorated scores, and abbreviated forms of intelligence tests shall not be used.
3. Academic achievement level as assessed by a norm-referenced test Criterion-referenced tests, curriculum-based assessments, informal measures, student work samples, and the student's educational history may be used to corroborate norm-referenced test scores.
4. A severe discrepancy between current achievement level and expected achievement level as documented by the MDT. The establishment of a severe discrepancy shall take into account the correlation between intellectual and achievement levels, as well as regression to the mean. Table 1 below shall be applied for this purpose, utilizing the following steps:

Step 1: Determine the correlation between the intellectual and achievement measures. Correlations between intelligence tests and achievement tests are generally available in the research literature. Table 2 below lists some of the possible correlations which may be applied to calculate ability-achievement discrepancies. MDTs are under no obligation to use these correlations, and may prefer to use other values based on more recent research, provided that such values are obtained using samples that are reasonably representative by age and score distribution.

For example, Table 2 shows that the approximate correlation between the Wechsler Intelligence Scale for Children-Revised Full Scale IQ and the Written Language and Knowledge Cluster in the Woodcock-Johnson Tests of Achievement is .68. If the correlation between intellectual and achievement measures is not known, a coefficient of .55 should be used.

Step 2: Locate the student's intellectual standard score in the first column of Table 1 (labeled "IQ"), titled Observed Achievement Levels Necessary for IQ-Achievement Discrepancy Using Standard Scores on Tests With Ms = 100 and SDs = 15.

Step 3: Follow that row determined in Step 2 to the column with the correlational value closest to the correlation between the chosen measures of intellectual functioning and achievement. For example, the correlation between the WISC-R and the Written Language and Knowledge Cluster of the Woodcock-Johnson is approximately .68. If a